

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION**

**CHANDA JACKSON ON BEHALF OF, §
MINOR CHILD JANE DOE, §
TATIAWNA JACKSON ON BEHALF §
MINOR CHILD JOHN DOE**

Plaintiff,

v.

**CLEAR CREEK INDEPENDENT
SCHOOL DISTRICT**

Defendant.

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CIVIL ACTION NO. _____

Jury Demanded

PLAINTIFF'S ORIGINAL COMPLAINT

A. PARTIES

1. Plaintiff, CHANDA JACKSON, on behalf of minor child Jane Doe, is an individual who can be contacted through counsel.
2. Plaintiff TATIAWANA JACKSON on behalf of minor child John Doe, is an individual who can be contacted through counsel.
3. Defendant, CLEAR CREEK ISD is a local governmental entity. The Defendant can be served through the superintendent Eric Williams at 2425 East Main Street League City, Texas 77573,

B. JURISDICTION

4. The Court has jurisdiction over the lawsuit because the suit arises under Title VI of the Civil Rights Act of 1964 (34 C.F.R. Part 100).

C. VENUE

5. Venue is proper in this district under 28 U.S.C. §1391(b)(1) because the Defendant resides in this district.

D. FACTS

John Doe:

6. **9.5.19** John Doe's teacher ignored that another student choked John Doe and she did not notify John Doe's parents that John Doe suffered a violent attack. The teacher's decision to hide the attack was inconsistent with school policy thereby created a disparate and separate impact upon John Doe causing him immediate and lasting physical and psychological injury that goes well beyond neglect until it is better characterized as institutional abuse;

- **10.20.19** An older student punched John Doe in the eye but again the school inexplicably did not tell John Doe's parents about continuing physical abuse of their child. They attempted to sweep yet another attack under the rug and did not even bother to tell John Doe's parents. John Doe parents are familiar with the school practices and culture of purported non-violence but John Doe, an African-American student, did not receive these same protections;

- **11.12-15-2019** The teacher punished John Doe for going to the rest room. The teacher began targeting Elijah but not allowing him to use the restroom during the day. He had to "hold it" and often ended up wetting his pants during and afterschool. Other white students could go to the restroom as needed but John Doe was subjected to further humiliation and frankly torture because he was African American;

- **11.14.19** A student tripped John Doe causing him further injury.

Jane Doe:

7. **Incident(s) 1** happened in the cafeteria where Jane Doe's teacher (Mrs. Jessica Yeates) removed Jane Doe from the lunch table, and she made Jane Doe eat alone in isolation that negatively impacted Jane Doe emotionally and psychologically. The school failed to provide a reasonable explanation why Jane Doe was stigmatized.

Incident(s) 2 The school called Ms. Jackson and told her Jane Doe wanted to leave class and went to the school nurse on more than one occasion. Jane Doe wanted to leave class to find refuge from being physically harmed by students who pushed, scratched and called her, "Fat Durty Stupid".

Incident(s) 3 Another student slapped Jane Doe she could not hear out of her ear. Although the teacher witnessed the attack, the teacher inexplicably took no action. The school failed to notify Ms. Jackson of the attack.

Incident 4 A student bit Jane Doe on the hand that caused a wound that required stitches. Sadly, the school failed to notify Ms. Jackson.

Incident(s) 5 Jane Doe suffered continuing attacks from a bully who stepped on Jane Doe's fingers and elbowed her arms. When Jane Doe looked to the teacher for help immediately after an attack, the teacher did nothing. Instead, the teacher began complaining about Jane Doe's (the victim) behavior in progress reports.

E. TITLE XI

8. Title VI seeks to stamp out race-based discrimination in programs receiving federal funds and ensure that federal resources do not support discriminatory practices. Part of the Civil Rights Act of 1964, Title VI prohibits race discrimination in all programs receiving federal funds. 42 U.S.C. §2000d.

9. The school treated John and Jane Doe differently from other students. They did not adhere to school guidelines when it came to John and Jane Doe. In part, the school repeatedly swept incidents under the rug rather than deal with the apparent racial discrimination that was taking place against the only two African Americans in the school at that time.

10. The school turned a blind eye to harassment and physical attacks of these children to the point that their inaction is a violation of the law. Moreover, the school's failure created a hostile environment. For months John and Jane Doe suffered physical and mental abuse that was so severe, pervasive, and offensive that it denied John and Jane Doe their education benefit.

11. The discrimination has left the children at times: depressed, sad, traumatized, distraught, with feelings of isolation and loss of self-worth.

G. JURY DEMAND

12. Plaintiff demands a jury trial and tenders the appropriate fee with this complaint.

13. As a direct and proximate result of Defendant's conduct, plaintiffs suffered the following injuries and damages.

- a. Mental Anguish.
- b. Inconvenience
- b. Emotional pain and suffering.
- c. Loss of enjoyment of life.
- d. Punitive damages.

I. CONCLUSION

14. For these reasons, Plaintiffs ask for judgment against Defendant for the following:

- a. Actual damages.
- b. Prejudgment and postjudgment interest.
- c. Reasonable Attorney Fees.
- d. Punitive damages.
- e. All other relief the Court deems appropriate.

Respectfully submitted,

The Law Office of Todd E. Webb

By: /s/Todd E. Webb

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